

November 7, 2012

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, November 7, 2012 in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner Gibson.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE

Present: Commissioners Gibson, Polcari, Rizzo, Skoll, and Vice Chair Weideman.

Absent: Commissioner D'anjou and Chairperson Uchima.

Also Present: Planning Manager Lodan, Sr. Planning Associate Santana,
Plans Examiner Noh, Associate Civil Engineer Symons,
Plans Examiner Gorbin, and Assistant City Attorney Sullivan.

MOTION: Commissioner Polcari moved to grant Commissioner D'anjou an excused absence from this meeting. The motion was seconded by Commissioner Gibson and passed by unanimous voice vote.

MOTION: Commissioner Rizzo moved to grant Chairperson Uchima an excused absence from this meeting. The motion was seconded by Commissioner Skoll and passed by unanimous voice vote.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, November 1, 2012.

5. APPROVAL OF MINUTES

MOTION: Commissioner Skoll moved for the approval of the October 3, 2012 Planning Commission minutes as submitted. The motion was seconded by Commissioner Rizzo and passed by unanimous roll call vote (absent Commissioner D'anjou and Chairperson Uchima).

6. REQUESTS FOR POSTPONEMENTS – None.

7. ORAL COMMUNICATIONS #1 – None.

Vice Chair Weideman reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

8. TIME EXTENSIONS – None.

9. **SIGN HEARINGS** – None.

10. **CONTINUED HEARINGS**

10A. **PCR12-00001, WAV12-00005: ELPIDIO MANALO**

Planning Commission consideration for approval of a Planning Commission Review to allow two units to exceed a 0.50 floor area ratio in conjunction with a Waiver of the side yard setback on property located within the Small Lot, Low-Medium Overlay District in the R-2 Zone at 2212 Gramercy Avenue.

Recommendation: Approval.

Sr. Planning Associate Santana introduced the request and noted supplemental material consisting of correspondence received after the agenda item was completed.

Elpidio Manalo, 2212 Gramercy Avenue, applicant, voiced his agreement with the recommended conditions of approval. He reported that in response to concerns discussed at the August 15 Planning Commission meeting, he revised the façade to include Craftsman-style elements so the project would blend with the neighborhood.

Commissioner Skoll called attention to the letter from Bonnie Mae Barnard, vice president of Save Historic Old Torrance (supplemental material), requesting that the Commission deny the project because it is not consistent with the Small Lot, Low-Medium Overlay District. He noted that the letter indicates that the applicant has been unwilling to work with neighbors and has made no changes to the plans other than adding some wood siding.

Mr. Manalo responded that the project's FAR of 0.648 is within the 0.65 maximum FAR allowed for this zone and the project would be too small to accommodate his family if it was downsized to an FAR of 0.50 as Ms. Barnard has suggested.

In response to Vice Chair Weideman's inquiry, Planning Manager Lodan advised that a project in the Small Lot, Low-Medium Overlay District can be approved administratively if four criteria are met: 1) The project's FAR does not exceed 0.50; 2) Less than 50% of the main dwelling is being demolished; 3) A minimum of 3 garage spaces and 1 uncovered space are provided; and 4) no curb cut is proposed. He explained that this project requires Planning Commission approval because the FAR exceeds 0.50 and a Waiver of the side yard setback has been requested to accommodate the fourth open parking space.

MOTION: Commissioner Gibson moved to close the public hearing. The motion was seconded by Commissioner Polcari and passed by unanimous voice vote (absent Commissioner D'anjou and Chairperson Uchima).

Commissioner Skoll stated that he would not support the proposed project because it does not conform to the neighborhood. He noted that Gramercy Avenue and Andreo Street are the oldest residential streets in Torrance and while a few projects with an FAR that exceeds 0.50 have been built there, according to Ms. Barnard's letter, all but one were built prior to the formation of Save Historic Old Torrance.

Indicating that he would also vote to deny the project, Commissioner Polcari stated that it does not seem that anything has been accomplished since the Commission first considered this case several months ago.

Commissioner Weideman stated that the Small Lot, Low-Medium Overlay District was established to preserve the character of this area, therefore, he favored strict enforcement of the guidelines, including the 0.50 FAR limitation.

MOTION: Commissioner Skoll moved to deny PCR12-00001, WAV12-00005 without prejudice. The motion was seconded by Commissioner Polcari and passed by a 4-1 roll call vote, with Commissioner Gibson dissenting (absent Commissioner D'anjou and Chairperson Uchima).

Planning Manager Lodan advised that resolutions reflecting the Commission's action would be brought back for approval at the next meeting.

10B. MIS12-00085 (REVISED): JIM DELURGIO

Planning Commission consideration of an appeal of a previously denied Minor Hillside Exemption to allow one-story additions under 14 feet in height at the front, sides and rear of the residence on property located within the Hillside Overlay District in the R-1 Zone at 209 Via El Toro.

Recommendation: Approval.

Sr. Planning Associate Santana introduced the request.

Commissioner Rizzo disclosed that he viewed the silhouette from 515 and 523 Camino de Encanto.

Commissioner Polcari disclosed that he visited 515 Camino de Encanto.

Commissioner Skoll disclosed that he visited 515 Camino de Encanto and spoke with Peter Lattey and Vicki Radel, who also took him next door to view the impact from 513 Camino de Encanto. He noted that he attempted to visit 523 Camino de Encanto but was unable to do so.

Commissioner Gibson disclosed the she visited 515 Camino de Encanto.

Vice Chair Weideman disclosed that he visited 515 and 523 Camino de Encanto.

It was confirmed that all of the visits took place after the silhouette was revised and recertified on November 2, 2012.

Vice Chair Weideman asked about the claim in an email dated October 31, 2012 from Eugene Kusion, 523 Camino de Encanto, that there is an existing Superior Court Settlement Agreement prohibiting any foliage over 10 feet in height on the subject property, therefore any structure must not exceed this height.

Assistant City Attorney Sullivan advised that the settlement is an agreement between the two parties involved and it does not restrict the City in any manner. He indicated that he had not seen the settlement, but suspected that it covers foliage only.

Jim Delurgio, 209 Via El Toro, reported that after the October 3, 2012 hearing, a silhouette of the proposed project was constructed; that the project was subsequently revised reducing the height of the rear addition by 9 inches to 11 feet 5 inches to address view impact; and that staff was now recommending approval of the project.

Nagy Bakhoun, project architect, discussed his efforts to design a one-story addition that would have less impact on neighbors than the previously approved two-story project. He explained that this was accomplished by locating the addition in the area of the lot that would have the least impact on view corridors, maintaining the lowest possible plate heights and roof pitch, and reducing the size of the project. He noted that the project has undergone numerous revisions to minimize the impact on neighbors and the roof on the southeasterly addition is virtually flat with a roof pitch of 0.5:12. He voiced his agreement with the conditions of approval.

Commissioner Polcari stated that he observed a slight view obstruction at 515 Camino de Encanto but thought it was manageable and commended Mr. Bakhoun for his efforts to minimize the project's impact.

Gene Kusion, 523 Camino de Encanto, voiced objections to the project citing view impact, stating that there is a V-shaped view corridor with a view of the sand, whitewater and ocean that would be decimated by this project. He reported that when the applicant previously proposed a two-story project, an elaborate view corridor study was presented to show that a two-story project would be less intrusive on views than a one-story project and questioned how the applicant could now argue that the proposed one-story project was the least intrusive. He contended that the Superior Court Settlement Agreement he reached with Mr. Delurgio applies to structures too since it was based on the Spite Fence law, which applies to fences and structures and evolved by case law to include foliage. He stated that he is not opposed to the project, but wants the height limited to 10 feet, the height of the existing eaves.

Peter Lattey, 515 Camino de Encanto, stated that he thought the architect had done a good job of reducing the project's impact by following the suggestions he made three years ago, however, he believed there were minor changes that could be made to further reduce the impact. He explained that the addition has an 11'5" ridge height and an 8'2½" plate height, which means there is a 3'2½" allowance for the roof structure when only 18" is required. He suggested that eliminating the excess would bring the addition's height down to 10 feet and restore neighbors' views while adding no cost to the project.

Vicki Radel, 515 Camino de Encanto, reported that she has owned this property for over 40 years and every addition made to it has the required permits. She called for the height of the addition to be reduced to 10 feet to preserve her ocean view, noting that she informed the applicant before he purchased the property that she would oppose any addition that impacted her ocean view. She stated that she understands the Commission does not address foliage, however it has become a chronic "in-your-face" problem.

Cindy Constantino, 513 Camino de Encanto, stated that she was present to support her neighbors, but was concerned that the southeast corner of the silhouette seems to be very close to her property. She reported that foliage on the subject property continues to be neighbors' main concern.

Vice Chair Weideman asked about the setback at the southeast corner, and Planning Manager Lodan advised that the applicant will be required to comply with the five-foot minimum setback per Condition No. 5, but the silhouette does not reflect this.

Returning to the podium, Mr. Bakhoun clarified that the addition's height is measured from the lowest adjacent grade, which is in the front yard, and the height of the structure itself is less than 11'5" and it cannot be reduced any further. He offered his assurance that everything possible has been done to minimize the impact on neighbors and urged approval of the project.

Mr. Delurgio stated that claims he has engaged in spiteful and malicious behavior were untrue and his only intention was to construct a reasonably sized home for his family. He requested that the Commission treat his property the same as other properties and consider the merits of the proposed project, which is in conformance with the Code. He noted that as part of the settlement agreement, the court ordered Mr. Kusion not to oppose a single-story development, an order that he has violated.

Vice Chair Weideman reported that he visited the site two years ago in connection with the earlier project, but did not recall the yucca trees on Mr. Delurgio's property.

Mr. Bakhoun pointed out that the yucca trees are visible in photos submitted in November 2009 (Agenda Item - Attachment 4).

Vice Chair Weideman related his understanding that the two-story project previously approved by the City Council included conditions restricting vegetation to the height of the fence.

Mr. Delurgio explained that he chose not to go forward with the two-story project because of the conditions restricting the height of vegetation, which in his opinion violate the Hillside Ordinance, the City Charter and land use laws.

MOTION: Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Skoll and passed by unanimous voice vote (absent Commissioner D'anjou and Chairperson Uchima).

Commissioner Skoll reported that he visited 513 Camino de Encanto and observed no impact whatsoever and while he observed a slight impact at 515 Camino de Encanto, in his opinion it was not an adverse impact. He requested input from Commissioners who had viewed the project from 523 Camino de Encanto since he was unable to do so.

Commissioner Rizzo stated that he agreed with Commissioner Skoll's assessment of the impact at 515 Camino de Encanto, however he observed a significant impact to the view corridor at 523 Camino de Encanto even with the revised silhouette, and based on that impact, he could not support the project.

Vice Chair Weideman reported that he saw less than significant view impact at 515 Camino de Encanto, but observed white water views that would be impacted at 523 Camino de Encanto, therefore he would vote to deny the project.

Commissioner Skoll indicated that he would rely on the observations of Commissioners who had visited 523 Camino de Encanto in making his decision on this project.

Commissioner Polcari stated that after hearing the concerns of Commissioners who had visited 523 Camino de Encanto, he could not support the project.

MOTION: Commissioner Rizzo moved to deny the appeal. The motion was seconded by Vice Chair Weideman and passed as reflected in the following roll call vote:

AYES: Commissioner Polcari, Rizzo, Skoll and Vice Chair Weideman
NOES: Commissioner Gibson
ABSENT: Commissioner D'anjou and Chairperson Uchima

Planning Manager Lodan noted that a resolution reflecting the Commission's action would be brought back for approval at the next meeting.

The Commission recessed from 8:15 to 8:25 p.m.

11. **WAIVERS** – None.

12. **FORMAL HEARINGS**

12A. **MOD12-00008: SAUERS LOPEZ CONSTRUCTION INC. (JEFF LA PLANT)**

Planning Commission consideration for approval of a Modification of a previously approved Conditional Use Permit (CUP00-00032) to allow additions and a new parking structure to an existing automobile dealership on property located in the C-2 Zone at 2900 Pacific Coast Highway.

Recommendation: Approval.

Sr. Planning Associate Santana introduced the request and noted supplemental material consisting of correspondence received after the agenda item was completed.

Jeff LaPlant, Pacific Porsche, and Franz Nalezny, project architect, briefly described the proposed project, which includes a one-story parking structure. Referring to colored renderings to illustrate, Mr. LaPlant reported that nearby residents have expressed concerns about the visual impact of the project, but screening can be added so cars on the upper deck will not be visible.

Commissioner Gibson asked about lighting on the parking deck. Mr. LaPlant reported that only two light poles are proposed on the upper level, which will be at least 70 feet away from any residences, however the lights can be placed on low-rise bollards so the poles can be eliminated if the Commission would prefer.

Commissioner Rizzo expressed concerns that employees with high profile, oversized vehicles might park on the upper deck and these vehicles would be visible above the screening.

Mr. LaPlant reported that the upper deck will be for the storage of new vehicles only and indicated that he had no objection to making this a condition of approval. He explained that oversized vehicles are not permitted on the site because of space constraints and the structure will have only an 8-foot clearance so high profile vehicles will not be able to enter.

Commissioner Skoll noted that a letter was received (supplemental material) from Robert Bruton, 25229 Denny Road, reporting that he has been subjected to almost continuous noise from air compressors being used at the dealership.

Mr. LaPlant stated that he was not aware of the noise problem; that the noise is likely coming from the detail area where compressors are used to blow water out of side-view mirrors and other places water collects; and that the new parking structure will buffer this noise.

Commissioner Skoll asked about the possibility of building an underground parking structure and Mr. LaPlant explained that a significant portion of the structure will be below grade in order to maintain a low profile.

Richard Gross, 25244 Denny Road, expressed concerns that the proposed expansion will lead to more noise, noting that the dealership pledged not to expand when it was originally approved in 2000. He also expressed concerns that the noise study the applicant is required to provide (Condition No. 23) might be biased. He stated that the dealership originally put in attractive landscaping, but it has now deteriorated and requested that the applicant be required to properly maintain it in the future.

Vice Chair Weideman explained that the noise study must be prepared by a professional consultant and it was unlikely that such a consultant would jeopardize his or her license by preparing a biased report.

Planning Manager Lodan noted that noise studies are directed by staff and they are designed to examine specific areas of concern.

In response to Vice Chair Weideman's inquiry, Planning Manager Lodan stated that it was likely that a noise study was done in 2000 as part of the approval process.

Varo Asorian, 25254 Denny Road, president of Pacific Verdes Homeowners Association, stated that the dealership wined and dined residents 12 years ago in order to get the project approved and was now breaking the promise made at that time not to expand. He pointed out that screening along the sides of the structure will not help those who have homes that overlook it. He contended that these homeowners will also suffer a loss of privacy and a reduction in their home values. He voiced his opinion that the structure should not be approved unless it is built below ground.

Niva Oghigian, 25244 Denny Road, reported that she went to the Planning Department to view the plans, but they were not available. She related her understanding that the structure will be 10 feet tall so vehicles will be at the same level as her home, staring her in the face. She expressed concerns that dust during construction and exhaust from vehicles will aggravate her asthma and recommended that the applicant be required to install a HEPA filtration system in the parking structure. She also expressed concerns that the project would drastically reduce the value of her home. She requested that a silhouette of the project be constructed if the Commission considers approving it.

In response to questions from the Commission, Planning Manager Lodan explained that the parking structure does not include a mechanical ventilation system because it's open on three sides.

Commissioner Skoll questioned whether the dealership had shared the plans with neighbors, and Ms. Oghigian indicated that the only notification she received was from the City.

Bill Goetz, 25213 Denny Road, stated that he helped convince other neighbors that the Porsche dealership would be a good neighbor when the project was originally approved and for the most part this has been true, however, there have problems with noise. He reported that along with noise from air hoses and compressors, on some nights he has heard what sounds like a generator with a squealing belt. He questioned the need for a parking structure since he was told that Porsche dealers do not carry a large inventory because customers generally know exactly what they want. He called for the parking structure to be built below ground to avoid impacting residents.

Mike Lee, 25250 Denny Road, expressed concerns that someone standing up the upper deck of the parking structure could easily look into his home. He noted that Torrance prides itself on being a balanced city and maintained that it will be out of balance if the project goes forward.

Younghwa Hyun, 25242 Denny Road, urged denial of the project, citing noise and privacy impact. She reported that she can already see employees from her home and the parking structure will only bring them closer and she can hear them working every day to the extent that she has stopped using her backyard.

Robert Bruton, 25229 Denny Road, indicated that he shares his neighbors' concerns about noise, air pollution and the visual impact of the project.

Referring to Mr. Bruton's letter (supplemental material), Vice Chair Weideman asked if the noise he hears coming from dealership is from the service bays, and Mr. Bruton reported that the noise is from the detail area, which is set up in a tent.

Maureen Baker, 25210 Denny Road, voiced objections to the project, stating that she does not want the view from her backyard to be rows of cars.

Responding to audience members' comments, Mr. LaPlant stated that he lived near a dealership before he built this one so he's very sensitive to noise concerns and expressed his willingness to work with neighbors to resolve them. He explained that the parking structure is necessary because the dealership has been far more successful than he anticipated and much of the success is due to the strong support of this community. He noted that every dealership along Pacific Coast Highway has had to add a parking structure and this is allowed because it is a commercial area. He pointed out that the structure was kept as low as possible to minimize the impact on residents and screening can be added to ensure that they won't see the cars parked on it.

Commissioner Skoll asked about the possibility of placing a roof on the parking structure, and Mr. LaPlant stated that was not financially feasible.

Commissioner Skoll expressed concerns about residents' reports of noise from the dealership.

Planning Manager Lodan advised that staff looked into noise complaints as part of the review process and the last complaint about the dealership was received in 2004.

Commissioner Skoll stated that he was disappointed that the dealership had not met with nearby homeowners to share the plans and while he would like the dealership to be able to expand, he could not support the project in its present form.

Commissioner Polcari indicated that he favored a continuance so the applicants could meet with homeowners to try to resolve their concerns.

Vice Chair Weideman expressed concerns that rather than buffering noise from the air compressor, the parking structure could exacerbate the problem since it's open on three sides.

Mr. LaPlant offered to eliminate the air compressor and related his understanding that the squealing sound reported by Mr. Goetz was from air conditioners that have since been replaced. He explained that the expansion is mandated by the manufacturer and must be completed by a certain deadline.

Vice Chair Weideman asked about the timeline for construction.

Fred Lopez, Sauers Lopez Construction, reported that the project will take approximately 6-8 months to complete. He suggested the possibility that the dealership could tear down the wall and give the 20-foot setback at the rear of the property to adjacent residents since this landscaped area is not usable for the dealership.

Planning Manager Lodan advised the 20-foot setback is required and must be maintained.

Vice Chair Weideman indicated that he favored limiting the hours of construction and the hours of operation for the service bays if the project is approved.

MOTION: Commissioner Gibson moved to close the public hearing. The motion was seconded by Commissioner Rizzo and passed by unanimous voice vote (absent Commissioner D'anjou and Chairperson Uchima).

Commissioner Rizzo proposed that the hearing be continued so the applicant would have an opportunity to share the plans with nearby residents and try to resolve their concerns, and it was the consensus of the Commission to do so.

MOTION: Commissioner Rizzo moved to continue the hearing on MOD12-00008 to December 5, 2012. The motion was seconded by Commissioner Polcari and passed by unanimous roll call vote (absent Commissioner D'anjou and Chairperson Uchima).

12B. DIV12-00007: THE DOW CHEMICAL COMPANY

Planning Commission consideration for approval of a Division of Lot to allow one lot to be subdivided into four lots on property located in the M-2 Zone at 305 Crenshaw Boulevard.

Recommendation: Approval.

Sr. Planning Associate Santana introduced the request.

Steve Cummins, DCA Civil Engineering, voiced his agreement with the recommended conditions of approval. He explained that the applicant plans to subdivide one lot into four lots to create separate lots for sale or lease, noting that Americas Styrenics will remain in operation.

Commissioner Skoll reported that a constituent mentioned that the site is overgrown and needs to be cleaned up. Mr. Cummins responded that there may be some hedges that need to be trimmed, but the site itself is very well maintained.

Fred Smalling, Americas Styrenics, 305 Crenshaw Boulevard, stated that he was concerned about the condition requiring the rebuilding of the water supply to the plant because this could potentially impact its operation and he was also concerned about the requirement that all four lots access the site via the existing gated driveway for this business since he was not sure how this would work. He requested an opportunity to discuss these issues in more detail with the applicant.

Assistant City Attorney Sullivan advised the Americas Styrenics is a tenant, therefore any concerns about the lot division should be worked out with the property owner Dow Chemical.

MOTION: Commissioner Polcari moved to close the public hearing. The motion was seconded by Commissioner Rizzo and passed by unanimous voice vote (absent Commissioner D'anjou and Chairperson Uchima).

MOTION: Commissioner Polcari moved for the approval of DIV12-00007, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner D'anjou and Chairperson Uchima).

Sr. Planning Associate Santana read aloud the number and title of Planning Commission Resolution No. 12-073.

MOTION: Commissioner Polcari moved for the adoption of Planning Commission Resolution No. 12-073. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner D'anjou and Chairperson Uchima).

13. RESOLUTIONS

13A. MOD12-00007, PRE12-00014: MESKO RESTAURANT GROUP (RIVIERA VILLAGE PROPERTIES)

Planning Commission adoption of resolutions reflecting their decision to deny a Modification of a previously approved Conditional Use Permit (CUP74-34) and Precise Plan of Development to allow renovations and outdoor seating to an existing restaurant on property located within the Hillside Overlay District in the C-1 Zone at 340 Vista del Mar.

Sr. Planning Associate Santana read aloud the number and title of Planning Commission Resolution Nos. 12-070 and 12-071.

MOTION: Commissioner Skoll moved for the adoption of Planning Commission Resolution Nos. 12-070 and 12-071. The motion was seconded by Commissioner Rizzo and passed as reflected in the following roll call vote:

AYES: Commissioner Gibson, Polcari, Rizzo and Skoll
NOES: Vice Chair Weideman
ABSENT: Commissioner D'anjou and Chairperson Uchima

14. PUBLIC WORKSHOP ITEMS – None.

15. MISCELLANEOUS ITEMS –

Planning Manager Lodan distributed the Community Development Director Action Summary/Administrative Approvals dated November 1, 2012 for week of October 29 – November 1, 2012 attached as Exhibit A and incorporated herein by reference.

16. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS

Planning Manager Lodan reported that the City Council considered the project at 5356 Doris Way on November 6 and voted unanimously to deny it without prejudice.

17. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Lodan noted that the November 21 Planning Commission meeting has been canceled due to the Thanksgiving holiday.

18. ORAL COMMUNICATIONS #2

18A. Commissioner Polcari wished everyone a happy Thanksgiving.

18B. Commissioner Gibson offered condolences on the loss of Chairperson Uchima's father-in-law.

18C. In response to Vice Chair Weideman's inquiry, Planning Manager Lodan confirmed that copies of plans for projects scheduled to be considered by the Planning Commission are available for viewing at the public counter in the Community Development Department.

19. ADJOURNMENT

At 10:05 p.m., the meeting was adjourned to Wednesday, December 5, 2012 at 7:00 p.m.

Approved as Submitted December 5, 2012 s/ Sue Herbers, City Clerk
